

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Crl.Rev.Pet.No. 391 of 1998

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CRA.35/1992 of SESSIONS COURT, KOTTAYAM
CC.111/1990 of JUDL.MAGISTRATE OF FIRST CLASS-I,
KANJIRAPPALLY
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REVN. PETITIONER:

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1. RAJU, S/O. SREEDHARAN,
KUNNUKUZHIYIL VEEDU,
MATTAKKARA KARA,
AKALAKUNNAM VILLAGE.**

**2. GEORGE @ ACHANKUNJU, S/O. MATHEW
VAYALUMKALL VEEDU,
MATTAKKARA KARA
AKALAKUNNAM VILLAGE.**

**BY ADV. SRI.C.J.JOY
SRI.SUNIL CYRIAC**

RESPONDENTS:

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STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE,
POLLOCKTHODE POLICE STATION
(CRIME NO. 6/90, POLLOCKTHODE POLICE STATION)**

BY PUBLIC PROSECUTOR MR. AMJAD ALI

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 02/03/2007, ALONG WITH CRRP NO. 481 OF 1998 & CRRP NO.
392 OF 1998 THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CRL.M.P. 2029/1998 IN CRL.R.P. NO. 391 OF 1998

DISMISSED.

2-3-2007

SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.. TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NOS.391, 392 & 481 OF 1998

DATED THIS THE 2ND MARCH 2007

ORDER

The revision petitioners stand convicted and sentenced, as modified by the appellate court, to undergo various terms of imprisonment. A1 stands convicted and sentenced to undergo rigorous imprisonment for four months for the offence under Section 323 I.P.C., simple imprisonment for one month for offence under Section 447 I.P.C. and rigorous imprisonment for four months for offence under Section 324 I.P.C. A2 stands convicted and sentenced to undergo rigorous imprisonment for four months for offence under Section 324 I.P.C., simple imprisonment for one month for the offence under Section 447 I.P.C. and rigorous imprisonment for six months for offence under Section 326 I.P.C., accused Nos.5 to 7 convicted and sentenced to undergo rigorous imprisonment for four months for the offence under Section 323 I.P.C. and simple imprisonment for one month for the offence under Section 447 I.P.C. and A9 convicted and sentenced to undergo rigorous imprisonment for four months for the offence under Section 323 I.P.C., simple imprisonment for one month for the offence under Section 447 I.P.C. and simple imprisonment for 15 days for the offence under Section

341 I.P.C. The sentences shall run concurrently.

2. The prosecution case is that on 23-1-1990 at 8.30 p.m. the accused trespassed into the courtyard of the house of PW1 and attacked her with sticks and caused injuries including fracture of the 2nd meta carpel bone .

3. The evidence adduced consisted of the testimony of PWs.1 to 11, Exts.P1 to P8 and MO.1 reaper. The courts have concurrently found that the accused is guilty of the offences alleged. The main evidence in support of the prosecution case consisted of the testimony of PW1, the injured and PW3, the son of PW1 who attempted to save his mother, but was kept immobile by the accused. The injuries sustained are corroborated by the testimony of PW8, the Doctor of District Hospital, Kottayam and Ext.P7 wound certificate . I find that there is no ground to interfere in the concurrent findings of the courts below and hence the conviction of the revision petitioners are sustained.

4. Counsel for the revision petitioners has pleaded for leniency pointing out that the incident has taken place in January 1990. In view of the above circumstances, I find that the sentence is liable to be modified. The sentence imposed on the first accused for the offence under Section 324 I.P.C. is modified to imprisonment till the rising of

the court and to pay a compensation of Rs.7500/- under Section 357(3)Cr.P.C. to PW1 and in default to undergo simple imprisonment for six months. No separate sentence is imposed for the offence under Sections 323 and 447 I.P.C. The sentence imposed on accused Nos. 5 to 7 is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- each to PW1 for the offence under Section 324 I.P.C. and in default to undergo simple imprisonment for four months each. Sentence imposed to accused No.9 is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- to PW1 for the offence under Section 323 I.P.C. and in default to undergo simple imprisonment for four months. No separate sentence is awarded for the offences under Sections 447 and 341 I.P.C. The revision petitions are disposed of accordingly. The revision petitioners shall appear before the Judicial Magistrate of First Class, Kanjirappally on 4-4-2007 to receive sentence.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NOS.391, 392 &
481 OF 1998

ORDER

2ND MARCH -2007